

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

REVIEW OF CONDITION

ROC-24755 - PUBLIC HEARING - APPLICANT/OWNER: GERVASIA ENTERPRISE LIVING 1993 TRUST - Request for a Review of Condition to remove Condition Number 5 of an approved Special Use Permit (SUP-17308) WHICH STATED THAT THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATIONS AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED at 6595 Smoke Ranch Road, Suites #140, #145, and #150 (APN 138-23-110-034), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

10

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

0

City Council Meeting

2

**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SUP-17308
6. Protest postcards
7. Submitted after final agenda – Protest/support postcards

Motion made by RICKI Y. BARLOW to Approve subject to conditions and adding the following condition as read for the record:

- A. There will be a six-month review at a public hearing as City Council.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

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Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY JAY BROWN, 520 South Fourth Street, appeared on behalf of the applicant and stated that the applicant is requesting the removal of Condition 5, which prohibits the sale of singles. There have been no problems at this location.

COUNCILMAN BARLOW stated he is familiar with this area and accepted the removal of Condition 5, but added a six-month review for a status report if any changes arise. ATTORNEY BROWN accepted the condition.

MARGO WHEELER, Director of Planning and Development Department, read the condition into the record.

MAYOR PRO TEM REESE declared the Public Hearing closed.

